

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner
)	Unknown
Wolfgang Petrich et al.)	
)	Group Art Unit
Serial No. 10/501,563)	Unknown
)	
Filed July 14, 2004)	
)	
METHOD FOR SCREENING)	Date: September 23, 2004
BIOLOGICAL SAMPLE FOR)	
PRESENCE OF THE METABOLIC)	
SYNFROME)	

**RESPONSE TO ANTICIPATED NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE**

BOX PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On July 14, 2004, the above-identified nonprovisional patent application was filed by Express Mail (Receipt No. EV 421105719 US) with an unexecuted declaration under 37 CFR 1.63. In anticipation of receipt of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office, Applicant encloses herewith the fully executed Declaration and Power of Attorney and the English translation of the International Preliminary Examination Report, along with payment of \$130.00 for the late declaration surcharge.

"Express Mail" Label No. EV 421106379 US

Date of Deposit: September 23, 2004


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Signature of person mailing paper or fee

The Commissioner is hereby authorized to charge the \$130.00 surcharge associated with the filing of the late declaration, and any fees which may be required or credit any overpayment, to Deposit Account Number 02-2958, but is not to include any payment of issue fees.

Respectfully submitted

By: 
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DT10 Rec'd PCT/PTO 23 SEP 2004

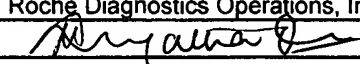
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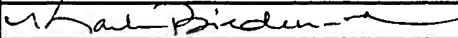
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/501,563	
	Filing Date	July 14, 2004	
	First Named Inventor	Wolfgang Petrich	
	Art Unit	Unknown	
	Examiner Name	Unknown	
Total Number of Pages in This Submission	9	Attorney Docket Number	WP 21096 US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Executed Declaration / POA Return Receipt Postcard
Remarks <input type="text"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	Sujatha Subramaniam, Reg. No. 48,739 Roche Diagnostics Operations, Inc.
Signature	
Date	September 23, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" label no. EV 421106379 US service under 37 CFR §1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below			
Typed or printed name	Karla Biedenmeister		
Signature		Date	September 23, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Complete if Known

Effective 01/01/2003. Patent fees are subject to annual revision.

		Application Number	10/501,563
		Filing Date	July 14, 2004
		First Named Inventor	Wolfgang Petrich
		Group Art Unit	Unknown
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Examiner Name	Unknown
Total Amount of Payment	(\$) 130.00	Attorney Docket Number	WP 21096 US

METHOD OF PAYMENT

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ **Deposit Account:**

**Deposit
Account
Number**

02-2958

**Deposit
Account
Name**

Roche Diagnostics Corporation

The Commissioner is authorized to: *(check all that apply)*

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees

☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility Filing Fee	
1002	340	2002	170	Design Filing Fee	
1003	530	2003	265	Plant Filing Fee	
1004	770	2004	385	Reissue Filing Fee	
1005	160	2005	80	Provisional Filing Fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES

		Extra Claims	Fee From Below	Fee Paid
09	29/2004 MKAYPAGH 00000089 022	10501563		
	Total Claims	-20** =	X 18	=
01	FC-1617 130.00	3 =	X 86	=
	Independent Claims			
	Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

****or number previously paid, if greater; For Reissues, see above**

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge – late filing fee or oath	130
1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner's Action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner's Action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,330	2453	665	Petition to revive – unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other Fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)	(\$) 130.00
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SUBMITTED BY

Name (Print/Type)

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Registration No.
(Attorney/Agent)

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Telephone

317-521-2851

Signature

Date _____

September 23, 2004